



**Service of Process
Transmittal**

01/06/2022

CT Log Number 540843699

TO: KIM LUNDY- EMAIL
Walmart Inc.
GLOBAL GOVERNANCE/CENTRAL INTAKE, 2914 SE I STREET MS#0200
BENTONVILLE, AR 72712-3148

RE: Process Served in New York

FOR: Wal-Mart Stores East, LP (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: KHIDOYATOVA OKSANA // To: Wal-Mart Stores East, LP

DOCUMENT(S) SERVED: Notice, Summons, Complaint, Attachment(s)

COURT/AGENCY: Kings County Supreme Court, NY
Case # 5331492021

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition - 05/08/2020 - Wal-Mart Store #5214 - 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747

ON WHOM PROCESS WAS SERVED: C T Corporation System, New York, NY

DATE AND HOUR OF SERVICE: By Process Server on 01/06/2022 at 01:10

JURISDICTION SERVED : New York

APPEARANCE OR ANSWER DUE: Within 20 days after service, exclusive of the day of service

ATTORNEY(S) / SENDER(S): Natalia Ratsenberg
Ratsenberg & Associates, P.C.
2579 East 17th Street, Suite 51
Brooklyn, NY 11235
718-676-5757

REMARKS: The documents received have been modified to reflect the name of the entity being served.

ACTION ITEMS: CT has retained the current log, Retain Date: 01/07/2022, Expected Purge Date: 01/12/2022

Image SOP

REGISTERED AGENT ADDRESS: C T Corporation System
28 Liberty Street
New York, NY 10005
877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



PROCESS SERVER DELIVERY DETAILS

Date: Thu, Jan 6, 2022

Server Name: robert piaskowy

Entity Served	WAL-MART STORES EAST, LP
Case Number	533149/2021
Jurisdiction	NY



564423-25

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

-----X
OKSANA KHIDOYATOVA

Plaintiff/Petitioner,

- against -

Index No.533149/2021

WAL-MART STORES EAST, LP et al

-----X
Defendant/Respondent.

**NOTICE OF ELECTRONIC FILING
(Mandatory Case)
(Uniform Rule § 202.5-bb)**

You have received this Notice because:

1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and

2) You are a Defendant/Respondent (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

● **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you **must** have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

**Information for Attorneys
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile ; or

2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: 12/28/2021 E

Natalia Ratsenborg, Esq

Name

Ratsenborg and Associates, P.C.

Firm Name

2579 East 17th Street, Suite 51

Brooklyn, NY 11235

Address

718-676-5757

Phone

info@rresq.com

E-Mail

To:

WAL-MART STORES EAST, LP
c/o C T CORPORATION SYSTEM
28 LIBERTY ST.
NEW YORK, NY 10005

WAL-MART REAL ESTATE BUSINESS TRUST
702 SW 8TH ST.
BENTONVILLE, AR 72716

6/6/18

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NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 12/28/2021

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGSIndex No:
Date Filed:-----X
OKSANA KHIDOYATOVA,Plaintiff designates Kings County
as the place of trial.

Plaintiff,

SUMMONS

- against -

The basis of venue is CPLR 503.

WAL-MART STORES EAST, LP
and WAL-MART REAL ESTATE BUSINESS TRUST,

Plaintiff resides at:

2626 Kings Highway #4D
Brooklyn, NY 11229Defendants.
-----X**TO THE ABOVE-NAMED DEFENDANTS:**

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the Plaintiff's Attorneys within twenty (20) days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or within thirty (30) days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Brooklyn, New York
December 28, 2021**RATSENBERG & ASSOCIATES, P.C.**

Yours etc.,

BY: N. Ratsenberg (I.D.)
NATALIA RATSENBERG, ESQ.

Attorneys for Plaintiff

OKSANA KHIDOYATOVA2579 East 17th Street, Suite 51

Brooklyn, New York 11235

(718) 676-5757

To: WAL-MART STORES EAST, LP
c/o C T CORPORATION SYSTEM
28 LIBERTY ST.
NEW YORK, NY 10005WAL-MART REAL ESTATE BUSINESS TRUST
702 SW 8TH ST.
BENTONVILLE, AR 72716

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NYSCEF DOC. NO. 1

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**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS****OKSANA KHIDOYATOVA,****Plaintiff,****-against-**

Index No.:

COMPLAINT**WAL-MART STORES EAST, LP
and WAL-MART REAL ESTATE BUSINESS TRUST,****Defendants.**

-----X
 Plaintiff, by her attorneys, **RATSENBERG & ASSOCIATES, P.C.**, complaining of
 Defendants herein, respectfully state and allege, upon information and belief, as follows:

PARTIES

1. Plaintiff, **OKSANA KHIDOYATOVA**, at all times of the institution of this action, was and still is a resident of the County of Kings, City and State of New York.
2. Upon information and belief, that at all times hereinafter mentioned, the Defendant, **WAL-MART STORES EAST, LP**, at all times of the institution of this action, was and still is a foreign limited partnership, duly organized and existing under the laws of the State of Delaware.
3. Upon information and belief, that at all times hereinafter mentioned, the Defendant, **WAL-MART REAL ESTATE BUSINESS TRUST**, at all times of the institution of this action, was and still is a foreign business trust, duly organized and existing under the laws of the State of Delaware.

FACTUAL BACKGROUND

4. Plaintiff repeats and reallege each and every allegation set forth in each and every paragraph herein before set forth inclusive of this complaint, with the same force and effect as though herein set forth as length.

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5. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART STORES EAST, LP, leased, owned, managed, operated and/or controlled a Wal-Mart store (Wal-Mart #5214) on the premises known as 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747.

6. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART STORES EAST, LP, its servants, licensees, agents, and/or employees, operated the Wal-Mart store located at 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747 and the floor contained therein.

7. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART STORES EAST, LP, its servants, licensees, agents, and/or employees, controlled the Wal-Mart store located at 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747 and the floor contained therein.

8. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART STORES EAST, LP, its servants, licensees, agents, and/or employees, managed the Wal-Mart store located at 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747 and the floor contained therein.

9. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART STORES EAST, LP, its servants, licensees, agents, and/or employees, maintained the Wal-Mart store located at 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747 and the floor contained therein.

10. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART STORES EAST, LP, its servants, licensees, agents, and/or employees, had a duty to operate, manage, control, and maintain the Wal-Mart store located at 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747 and the floor contained therein in a reasonably safe and suitable condition and state of repair.

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11. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART STORES EAST, LP, its servants, licensees, agents, and/or employees, had a duty to warn of the danger of existing and negligently created defects at the Wal-Mart store located at 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747 and the floor contained therein.

12. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART REAL ESTATE BUSINESS TRUST, leased, owned, managed, operated and/or controlled a Wal-Mart store on the premises known as 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747.

13. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART REAL ESTATE BUSINESS TRUST, its servants, licensees, agents, and/or employees, operated the Wal-Mart store located at 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747 and the floor contained therein.

14. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART REAL ESTATE BUSINESS TRUST, its servants, licensees, agents, and/or employees, controlled the Wal-Mart store located at 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747 and the floor contained therein.

15. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART REAL ESTATE BUSINESS TRUST, its servants, licensees, agents, and/or employees, managed the Wal-Mart store located at 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747 and the floor contained therein.

16. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART REAL ESTATE BUSINESS TRUST, its servants, licensees, agents, and/or employees, maintained the Wal-Mart store located at 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747 and the floor contained therein.

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17. Upon information and belief, at all times hereinafter mentioned, Defendant, WAL-MART REAL ESTATE BUSINESS TRUST, its servants, licensees, agents, and/or employees, had a duty to operate, manage, control, and maintain the Wal-Mart store located at 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747 and the floor contained therein in a reasonably safe and suitable condition and state of repair.

18. On or about May 8, 2020, at approximately 1:30 PM, while Plaintiff, OKSANA KHIDOYATOVA, was walking through the Wal-Mart store located at 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747, Plaintiff, OKSANA KHIDOYATOVA, was caused injury as a result of a slippery surface and/or substance on said floor, without any warning or signage to indicate the peril presently thereon said floor.

19. At all times hereinafter mentioned, the Wal-Mart store located at 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747, was intended for the lawful use of customers and pedestrians.

20. Upon information and belief, on or about May 8, 2020, the organization, placement, design, installation, and maintenance of the floor at the point Plaintiff, OKSANA KHIDOYATOVA, was caused injury was a dangerous and hazardous condition constituting a trap that Defendant knew, or in the exercise of reasonable care should, have known of.

21. Upon information and belief, Defendants made "special use" of the floor at the point Plaintiff, OKSANA KHIDOYATOVA, was caused injury.

22. Upon information and belief, on or about May 8, 2020, Defendants caused and/or created the dangerous, hazardous, and unsafe condition upon said Wal-Mart store located at 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747 and Defendants knew or, in the exercise of reasonable care, should have known about the existence of that condition.

23. Upon information and belief, on or about May 8, 2020 and for a substantial period of time prior thereto, Defendants knew or, in the exercise of reasonable care, should have known,

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of the conditions on the floor at the point Plaintiff, OKSANA KHIDOYATOVA, was caused injury could or would be likely to render the Wal-Mart store located at 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747 dangerous, perilous, and hazardous to traverse, with the likelihood of injury and harm to patrons lawfully using same.

24. This action falls within one or more of the exceptions set forth in Section 1602 of the CPLR.

AS AND FOR A FIRST CAUSE OF ACTION
(NEGLIGENCE)

25. Plaintiff repeats and realleges each and every allegation set forth in each and every paragraph herein before set forth inclusive of this complaint, with the same force and effect as though herein set forth as length.

26. The aforesaid occurrence was caused by the negligence, carelessness and recklessness of Defendant, WAL-MART STORES EAST, LP, in the ownership, operation, maintenance, and/or control of the Wal-Mart store located at 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747, without any negligence, carelessness and/or recklessness on the part of Plaintiff contributing thereto.

27. The aforesaid occurrence was caused by the negligence, carelessness and recklessness of Defendant, WAL-MART REAL ESTATE BUSINESS TRUST, in the ownership, operation, maintenance, and/or control of the Wal-Mart store located at 2855 N Old Lake Wilson Road, Kissimmee, Florida 34747, without any negligence, carelessness and/or recklessness on the part of Plaintiff contributing thereto.

28. By reason of the foregoing occurrence, Plaintiff, OKSANA KHIDOYATOVA, sustained serious injury and suffered pain, suffering, and mental anguish; these injuries and their effects will be permanent; and as a result of said injuries, Plaintiff, OKSANA KHIDOYATOVA, has been caused to incur, and will continue to incur, expenses for medical care.

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29. By reason of the foregoing, Plaintiff, OKSANA KHIDOYATOVA, has been damaged in an amount, which after the adjustments and calculations expected to be required by the application of article 50-B of the Civil Practice Law and Rules exceeds the jurisdictional limit of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff, OKSANA KHIDOYATOVA, demands judgment against Defendants, WAL-MART STORES EAST, LP and WAL-MART REAL ESTATE BUSINESS TRUST, jointly and severally, on all causes of action, as follows:

- (a) In an amount which exceeds the jurisdictional limits of all lower court which would otherwise have jurisdiction;
- (b) Awarding Plaintiff interests, costs, and disbursements in this action; and
- (c) Granting such and other and further relief as this Court may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury.

Dated: Brooklyn, New York
December 28, 2021

RATSENBERG & ASSOCIATES, P.C.

Yours etc

BY: N. Ratsenberg (I.O.)

NATALIA RATSENBERG, ESQ.

Attorneys for Plaintiff

OKSANA KHIDOYATOVA

2579 East 17th Street, Suite 51

Brooklyn, New York 11235

(718) 676-5757

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**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

OKSANA KHIDOYATOVA,

Plaintiff,

- against -

WAL-MART STORES EAST, LP and WAL-MART REAL ESTATE BUSINESS TRUST,

Defendants.

SUMMONS & COMPLAINT

RATSENBERG & ASSOCIATES, P.C.

ATTORNEYS AT LAW

Attorneys for Plaintiff

OKSANA KHIDOYATOVA

**2579 East 17th Street, Suite 51
Brooklyn, New York 11235**

**Tel. (718) 676-5757
Fax (718) 676-5758**

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:December 28, 2021

Signature: *N. Ratsenberg (I.D.)*
Print Signer's Name: NATALIA RATSENBERG, ESQ.

WM 22-117 TO
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
OKSANA KHIDOYATOVA,

Index No.: 533149/2021

Plaintiff,

-against-

VERIFIED ANSWER

WAL-MART STORES EAST, LP and WAL-MART
REAL ESTATE BUSINESS TRUST,

Defendants.

-----X

The defendant, WAL-MART STORES EAST, LP AND WAL-MART REAL
ESTATE BUSINESS TRUST, by its attorneys, BRODY O'CONNOR & O'CONNOR,
answering the Verified Complaint herein states upon information and belief:

AS TO THE PARTIES

1: Defendant denies having knowledge or information sufficient to form a
belief as to the allegations set forth in paragraph marked "1" and each and every part thereof.

2: The allegations contained in paragraph marked "2" are admitted.

3: Defendant denies the allegations set forth in paragraph marked "3" except
admits that Wal-Mart Real Estate Business Trust is a foreign statutory trust existing under
the laws of the State of Delaware.

AS TO THE FACTUAL BACKGROUND

4: Defendant repeats and reiterates each and every denial in answer to the
prior paragraphs of the Complaint as if more particularly hereinafter set forth in answer to
paragraph numbered "4" and each and every part thereof.

5: Defendant denies the allegations set forth in paragraphs marked “5” and “6”, except admits that WAL-MART STORES EAST, LP is the operator of the subject Walmart store.

6: Defendant denies having knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs marked “7”, “8”, “9”, “10” and “11” and refers all questions of law to the trial court.

7: Defendant denies the allegations set forth in paragraph marked “12” except admits that Wal-Mart Real Estate Business Trust leases the premises at issue to Wal-Mart Stores East, LP.

8: Defendant denies the allegations set forth in paragraphs marked “13”, “14”, “15”, “16” and “17” and each and every part thereof.

9: Defendant denies having knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs marked “18” and “19” and each and every part thereof.

10: Defendant denies the allegations set forth in paragraphs marked “20”, “21”, “22” and “23” and each and every part thereof.

11: Defendant denies the allegation set forth in paragraph marked “24” and refers all questions of law to the trial court.

AS TO THE FIRST CAUSE OF ACTION

12: Defendant repeats and reiterates each and every denial in answer to the prior paragraphs of the Complaint as if more particularly hereinafter set forth in answer to paragraph numbered “25” and each and every part thereof.

13: Defendant denies the allegations set forth in paragraphs marked “26” and “27” and each and every part thereof.

14: Defendant denies having knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs marked “28” and “29” and each and every part thereof.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

15: The plaintiff was guilty of culpable conduct, including contributory negligence and/or assumption of risk, and should an award be made to plaintiff, same should be diminished in the proportion which the culpable conduct and/or contributory negligence and/or assumption of risk attributable to the plaintiff bears to the culpable conduct and/or negligence which caused the damages.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

16: In the event that plaintiff recovers judgment against this answering defendant and it is determined that plaintiff’s damages was caused in whole or in part by two or more joint tortfeasors, then defendant’s liability herein for non-economic loss may not exceed its equitable share of said damages in accordance with its relative culpability, as provided by Section 1601 of the CPLR.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

17: Plaintiff’s recovery, if any shall be reduced by the amount of any collateral payments received, in accordance with CPLR Section 4545.

WHEREFORE, defendant, WAL-MART STORES EAST, LP AND WAL-MART REAL ESTATE BUSINESS TRUST, requests judgment dismissing the Complaint herein, together with costs and disbursements of this action.

Dated: Northport, New York
January 10, 2022

Yours, etc.

BRODY O'CONNOR & O'CONNOR
Attorneys for Defendant

By:

PATRICIA A. O'CONNOR
7 Bayview Avenue
Northport, New York 11768
(631) 261-7778
File No.: WM 22-117 TO

TO: RATSENBERG & ASSOCIATES, P.C.
Attorneys for Plaintiff
2579 East 17th Street, Suite 51
Brooklyn, New York 11235
(718) 676-5757

AFFIRMATION BY ATTORNEY

The undersigned, an attorney admitted to practice in the Courts of the State of New York, shows:

That affirmant is the attorney for the defendant in the within action; that affirmant has read the foregoing Verified Answer and knows the contents thereof; that the same is true to the affirmant's knowledge, except as to the matters therein stated to be alleged on information and belief; and that as to those matters, affirmant believes it to be true.

Affirmant further says that the reason this Verification is made by deponent and not by the defendant is that defendant is a foreign limited partnership.

The ground of belief as to all matters not stated upon deponent's knowledge are documents, correspondence and records maintained in your deponent's files and conversations and conferences has with the defendant.

The undersigned affirms that the foregoing statements are true under the penalties of perjury.

Dated: Northport, New York
January 10, 2022

PATRICIA A. O'CONNOR